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~~having a channel wherein the elongate track attracts magnetically the measurement scale to the channel for holding the scale to the track in use.~~

REMARKS

Claims 19-30 are pending. Claims 11-18 have been previously withdrawn from consideration and by this Amendment, claims 19 and 27 are amended. No new matter has been added.

The attached Appendix includes marked-up copies of each rewritten claim (37 C.F.R. §1.121(c)(1)(ii)).

I. THE CLAIMS DEFINE ALLOWABLE SUBJECT MATTER

The Office Action rejects claims 19-28 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,063,685 to Morrison et al. in view of U.S. Patent No. 5,826,346 to Reilly. This rejection is respectfully traversed.

By this Amendment, claims 19 and 27 have been amended to recite wherein the track "attracts magnetically the scale to the channel for holding the scale to the track in use."

These claims have been amended for clarity.

The Office Action asserts that Morrison discloses an apparatus comprising a measurement scale, a read-head relatively moveable along the scale for reading the scale and an elongate track for holding the measurement scale. However, the Office Action admits that Morrison fails to disclose the elongated track having a channel and magnetic material disposed in the channel for magnetically attracting the scale as does the claimed invention.

The Office Action further asserts that Reilly makes up for the deficiencies in Morrison, and that Reilly discloses a track that is adapted for attracting magnetically, by means of a magnetic material/strip disposed on the channel/slot, a magnetisable scale to the track. The Office Action alleges that it would have been obvious to one of ordinary skill in